

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MAHQUAN DESHAWAN
PENDLETON, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 9, 2006

Petitioner-Appellee,

v

RONALD EDWARD PENDLETON,

Respondent-Appellant,

and

SEANNER LORRAINE JACKSON,

Respondent.

No. 264496
Wayne Circuit Court
Family Division
LC No. 01-404179-NA

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court clearly erred in finding that the statutory ground for termination set forth in MCL 712A.19b(3)(a)(ii) was proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The time period between respondent-appellant's last visit with his child and the suspension of his parenting time due to the filing of the permanent custody petition was less than 91 days. Therefore, the evidence did not support the termination of respondent-appellant's parental rights under §19b(3)(a)(ii), which requires a period of desertion of at least 91 days.

Nevertheless, only one statutory ground for termination must be proven to support termination of parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). The trial court did not clearly err in finding that the statutory grounds for termination set forth in MCL 712A.19b(3)(c)(i), (g), and (j) were established by clear and convincing evidence.

Although respondent-appellant completed parenting classes, he failed to comply with other, important aspects of the case treatment plan, such as maintaining a suitable home and maintaining regular contact with the caseworker. Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Stephen L. Borrello
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald